

### **REMARKS**

On page 2 of the Office Action, claims 1-4, 7, 9, 17-20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent 2,692,384 issued to Pollock. Also on page 2 of the Office Action, claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent 3,888,003 issued to Brown. Further, on page 2 of the Office Action, claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent 4,363,476 issued to Whittle.

On page 2 of the Office Action, claim 5 is indicated as being allowable if rewritten in independent form, including all of the limitations of the base claim (claim 1). Claim 1 is hereby amended to include all of the limitations of claim 5, and is in allowable form. Therefore, withdrawal of the 35 U.S.C. §102(b) rejections of claim 1 is respectfully requested.

Claim 17 is hereby amended, and calls for, among other things:

A power-operated tool holder adapted to actuate a hand tool having a first handle and a second handle about a pivot pin, the tool holder comprising:  
a frame adapted to removably mount the hand tool via the pivot pin;  
an actuator coupled to the frame;  
a first arm drivably coupled to the actuator, the first arm movable by the actuator to actuate the first handle of the hand tool; and  
a second arm drivably coupled to the actuator, the second arm movable by the actuator to actuate the second handle of the hand tool, the first and second arms movable with respect to the hand tool to actuate the hand tool; and  
a link coupled to the first and second arms and movable by the actuator to substantially simultaneously actuate the first and second arms.  
(Amendment marks not shown.)

As described in greater detail in the present application as originally filed, some embodiments of the present invention disclose a power tool holder having a frame to which a hand tool is mounted via a pivot pin, wherein the hand tool is removable from the frame, an actuator coupled to the frame actuates the hand tool about the pivot pin, and a link coupled to

first and second arms is movable by the actuator to substantially simultaneously actuate the first and second arms.

In contrast, Pollock discloses a powered tool in which two jaw levers 24, 32 (compared by the Examiner to the hand tool claimed in claim 17) are pivotably mounted about points 34, 38, and are attached to an air cylinder 2 (compared by the Examiner to the actuator claimed in claim 17) by a series of linkages 18, 20, 26 and pivots 10, 22, 28, 30. Pollock provides no teaching or suggestion regarding removability of the jaw levers 24, 32. Indeed, what little information is provided regarding the connections of linkages 18, 26, 20 and pivots 10, 28, 22, 30 suggests that the jaw levers 24, 32 are permanently connected to the air cylinder 2. In particular, the best views of the pivots 22, 28, 30 (see FIGS. 4 and 5 of Pollock) appear to illustrate the pivots as rivets or like elements – with no indication of removability or disconnectability.


In addition, the Applicant respectfully submits that the jaw levers 24, 32 of the Pollock device do not comprise a “hand tool”, but are instead components of a larger device that – in total – is described as a “hand tool”. The power-operated tool holder claimed in amended claim 17 is adapted for a hand tool that is removable from the tool holder. This capability is not taught or suggested by Pollock at least in part because the jaw levers 24, 32 identified by the Examiner are not a hand tool, and have no purpose or function as a hand tool independent of the other structure in which they are mounted.

Accordingly, and for still other reasons not presented herein, the Applicant respectfully submits that Pollock fails to teach, describe, or suggest, among other things, a power-operated tool holder having a frame to which a hand tool mounted via a pivot pin, wherein the hand tool is removable from the frame, the actuator actuates the hand tool about the pivot pin, and a link coupled to first and second arms is movable by the actuator to substantially simultaneously actuate the first and second arms. Withdrawal of the 35 U.S.C. §102(b) rejection of claim 17 is therefore respectfully requested.

Claims 2-4 and 6-9 and claims 18-21 are each ultimately dependent upon amended claims 1 and 17, and are therefore allowable based upon amended claims 1 and 17 and upon other features and elements claims in claims 2-4, 6-9, and 18-21 but not discussed herein.

In view of the above amendments and remarks, the Applicant respectfully submits that the claims are patentably distinct over the prior art, that all the rejections to the claims have been overcome, and that the application is in condition for allowance. Entry of this Amendment is therefore requested. If any issues remain outstanding upon entry of this Amendment, the Examiner is respectfully requested to telephone the undersigned Applicant's Representative at (414) 225-8266.

Respectfully submitted,

BY   
Christopher B. Austin  
Attorney for Applicant  
Reg. No. 41,592

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202  
414-271-6560  
X:\clientb\059348\9001\A1198199.1